

# REGISTER



## *South Dakota Legislative Research Council*

*Volume 40*

*Monday, 8:00 a.m., March 17, 2014*

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**NOTICE OF PROPOSED RULES:** (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

***South Dakota Investment Council:*** (March 10, 2014) intends to amend a rule to cause the program management agreement for the higher education savings plan to refer to the most recent amendment to the IRS code that affects all higher education savings plans. The general authority for this rule, as cited by the council, is SDCL § 13-63-2.

A public hearing will be held in Room 433, Student Center, Lake Area Technical Institute, 1201 Arrow Avenue, Watertown, South Dakota, on April 9, 2014, at 11:00 a.m. Copies of the proposed rule may be obtained from and written comments sent to the South Dakota Investment Council, 4009 West 49<sup>th</sup> Street, Suite 300, Sioux Falls, South Dakota 57106-3784. Material sent by mail must reach the Investment Council by March 31, 2014, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the council can make arrangements are asked to call (605) 362-2826 at least forty-eight hours before the hearing.

***South Dakota Investment Council:*** (March 10, 2014) intends to amend rules to combine three sections of rules for banks, associations, and other qualified public depositories into one section. The minimum allocation will be updated from \$100,000 to equal the current FDIC deposit insurance limit; clarify that collateralization is required for the allocation amount in excess of deposit insurance; repeal the requirement that allocations will be determined from the summer call report and be

completed by December 1; and refer to savings and loan associations as associations. The general authority for these rules, as cited by the council, is SDCL § 4-5-28.

A public hearing will be held in Room 433, Student Center, Lake Area Technical Institute, 1201 Arrow Avenue, Watertown, South Dakota, on April 9, 2014, at 11:10 a.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Investment Council, 4009 West 49<sup>th</sup> Street, Suite 300, Sioux Falls, South Dakota 57106-3784. Material sent by mail must reach the Investment Council by March 31, 2014, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the council can make arrangements are asked to call (605) 362-2826 at least forty-eight hours before the hearing.

***Department of Labor and Regulation: South Dakota Retirement System:*** (March 10, 2014) intends to amend rules to place the former State Cement Plant Retirement Plan under the authority of the chapter governing the South Dakota Retirement System; repeal two plans that no longer have any members; revise certain provisions of the remaining plans in accordance with the provisions of Senate Bill 152 of the 2014 Legislature; and provide a current reference date for the Internal Revenue Code to incorporate the current federal requirements. The general authority for these rules, as cited by the board, is SDCL §§ 3-12-47 and 3-12-222.

A public hearing will be held at View Thirty Four, 4251 E. Highway 34, Pierre, South Dakota, on April 3, 2014, at 9:15 a.m., CDT. Copies of the proposed rules may be obtained

without charge from and written comments sent to the South Dakota Retirement System, 222 E. Capitol Avenue, P.O. Box 1098, Pierre, South Dakota 57501-1098. Material sent by mail must be received by March 31, 2014, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the board can make arrangements are asked to call (605) 773-3731 at least 48 hours before the hearing.

***Department of Environment and Natural Resources: Board of Minerals and Environment:***

(March 11, 2014) intends to amend Contested Case Procedure rules to specify the conditions when a board member may not participate in a contested case hearing. The general authority for these rules, as cited by the board, is SDCL §§ 34A-1-6, 34A-6-1.6, 34A-6-1.14, 34A-11-9, and 45-9-13.

A public hearing will be held at the Matthew Environmental Education and Training Center, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota on April 17, 2014, at 10:00 a.m. CDT. A copy of the proposed rules may be obtained without charge from the department's website: <http://denr.sd.gov/public/default.aspx>. or by contacting Kyrik Rombough at (605) 773-3151. Written comments may be sent to Kyrik Rombough, Natural Resources Engineering Manager I, Department of Environment and Natural Resources, 523 E. Capitol, Pierre, South Dakota 57501. Material sent by mail must be received by the close of business on April 17, 2014, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3151 at least 48 hours before the public hearing.

***Department of Game, Fish and Parks:***

(March 13, 2014) intends to amend a Sandhill Crane Hunting Season rule to increase the possession limit as approved by the U.S. Fish and Wildlife Service; amend an Archery Deer

Hunting Season rule to move the starting date from the fourth Saturday of September to the second Saturday of September and eliminate that portion of the season which runs from January 1-15; amend a Black Hills Elk Hunting Season rule to adjust the number of licenses available and to modify the boundary of Unit 7 to remove that portion of the unit east of Interstate 90; amend a Custer State Park Elk Hunting Season (Any Elk) rule to adjust the number of licenses available; amend a Custer State Park Early Archery Elk Hunting Season rule to adjust the number of licenses available; amend a Mourning Dove Hunting Season rule to increase the possession limit as approved by the U.S. Fish and Wildlife Service; amend an Archery Elk Hunting Season rule to adjust the number of licenses available and to modify the boundary of Unit 7 to remove that portion of the unit east of Interstate 90; and amend a Prairie Elk Hunting Season rule to adjust the number of licenses available, modify the boundary of Unit 9 to add two hunting areas located east of Interstate 90, and adjust the season dates for Unit 9 from September 15-October 31 and December 1-15 to September 15-October 31 and December 1-31. The general authority for these rules, as cited by the department, is SDCL §§ 41-2-18, 41-6-21, 41-11-5, and 41-17-1.1.

A public hearing will be held at the Cedar Shores Resort, 1500 Shoreline Drive, Oacoma, South Dakota, on April 3, 2014, at 2:00 p.m. (CDT). Copies of the proposed rules may be obtained from and written comments sent to Jeffrey R. Vonk, Secretary, Foss Building, 523 East Capitol, Pierre, South Dakota 57501. Written comments must be received by and in the office of the Secretary of the Department of Game, Fish and Parks on or before 12:00 p.m. three (3) days prior to the date of the hearing to be included within the record of the public hearing and to be considered by the Commission. Comments may also be sent by email to [Wildinfo@state.sd.us](mailto:Wildinfo@state.sd.us). All written and email comments must include the commenter's name, home town/city and state. This hearing is

being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3387 before the hearing.

## FILINGS IN THE SECRETARY OF STATE'S OFFICE:

### Legislative Appointment:

**Senator James Bradford** was appointed on March 12, 2014, to the **Interim Rules Review Committee**, to replace Senator Angie Buhl O'Donnell, effective immediately. This

appointment will expire at noon on Tuesday, January 13, 2015.

Note: A copy of the rules may be obtained directly from the above agencies or at <https://rules.sd.gov>. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Revenue and Regulation, and the Department of Labor for Article 47:03.

## REMINDER OF HEARINGS SCHEDULED

3-24-2014	Education: Board of Education	Amend Special Education rules to remove unused definitions, update outdated language to reflect current names, and update the definition of certain evaluators to reflect licensure by an outside agency instead of certification through the Department of Education; amend Certification rules to remove outdated language; and amend Teacher Preparation Program Approval rules to remove speech/language pathologists from the definition of "Other School Personnel" and remove language which is no longer needed; 40 SDR 149.
3-25-2014	State Auditor	Adopt a rule to require that claims seeking reimbursement from the State for travel expenses be received by the Office of the State Auditor within 60 days after the last day of travel; 40 SDR 157.
4-3-2014	Labor and Regulation: SD Retirement System	Amend rules to place the former State Cement Plant Retirement Plan under the authority of the chapter governing the South Dakota Retirement System; repeal two plans that no longer have any members; revise certain provisions of the remaining plans in accordance with the provisions of Senate Bill 152 of the 2014 Legislature; and provide a current reference date for the Internal Revenue Code to incorporate the current federal requirements; 40 SDR 165.
4-3-2014	Game, Fish and Parks	Amend a Sandhill Crane Hunting Season rule to increase the possession limit as approved by

		<p>the U.S. Fish and Wildlife Service; amend an Archery Deer Hunting Season rule to move the starting date from the fourth Saturday of September to the second Saturday of September and eliminate that portion of the season which runs from January 1-15; amend a Black Hills Elk Hunting Season rule to adjust the number of licenses available and to modify the boundary of Unit 7 to remove that portion of the unit east of Interstate 90; amend a Custer State Park Elk Hunting Season (Any Elk) rule to adjust the number of licenses available; amend a Custer State Park Early Archery Elk Hunting Season rule to adjust the number of licenses available; amend a Mourning Dove Hunting Season rule to increase the possession limit as approved by the U.S. Fish and Wildlife Service; amend an Archery Elk Hunting Season rule to adjust the number of licenses available and to modify the boundary of Unit 7 to remove that portion of the unit east of Interstate 90; and amend a Prairie Elk Hunting Season rule to adjust the number of licenses available, modify the boundary of Unit 9 to add two hunting areas located east of Interstate 90, and adjust the season dates for Unit 9 from September 15-October 31 and December 1-15 to September 15-October 31 and December 1-31; 40 SDR 166.</p>
4-9-2014	SD Investment Council	<p>Amend a rule to cause the program management agreement for the higher education savings plan to refer to the most recent amendment to the IRS code that affects all higher education savings plans; 40 SDR 165.</p>
4-9-2014	SD Investment Council	<p>Amend rules to combine three sections of rules for banks, associations, and other qualified public depositories into one section. The minimum allocation will be updated from \$100,000 to equal the current FDIC deposit insurance limit; clarify that collateralization is required for the allocation amount in excess of deposit insurance; repeal the requirement that allocations will be determined from the summer call report and be completed by December 1; and refer to savings and loan associations as associations; 40 SDR 165.</p>

4-17-2014	Environment and Natural Resources: Board of Minerals and Environment	Amend Contested Case Procedure rules to specify the conditions when a board member may not participate in a contested case hearing; 40 SDR 166.
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### **RULES REVIEW COMMITTEE MEETINGS**

The next meeting of the Interim Rules Review Committee will be held on Tuesday, May 6, 2014, in Room 413, Fourth Floor of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2014 interim: June 3, July 8, August 12, September 16, November 12, and December 16.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is available on the Legislative Web site at <http://legis.sd.gov/Rules/RulesManual.aspx>.

he **South Dakota Register**, ISSN 0191-1104, is published by the South Dakota Legislative Research Council pursuant to SDCL 1-26A-1. Subscriptions to Volume 40 are \$25. Make checks payable to "State of South Dakota" and mail to the Legislative Research Council, State Capitol, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070. Information from the Register is available free of charge on the Internet at <http://legis.sd.gov>. Subscribe to receive electronic notification of the availability of the **South Dakota Register** at E-Subscribe at [http://legis.sd.gov/My\\_LRC/index.aspx](http://legis.sd.gov/My_LRC/index.aspx).